

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Robert J. Lyons

Debtor

Bankruptcy No. 19-28844  
Judge LaShonda A. Hunt (Joliet)  
Chapter: 13

**NOTICE OF MOTION**

TO: Robert J. Lyons, 317 Richards Street, Joliet, IL 60433  
Venita Lyons, 317 Richards Street, Joliet, IL 60433  
Glenn B Stearns, 801 Warrenville Road Suite 650, Lisle, IL 60532  
David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090  
Patrick S Layng, Office of the U.S. Trustee, Region 11, 219 S Dearborn St, Room 873, Chicago, IL 60604

Please take notice on February 7, 2020 at 10:15 a.m., I shall appear before the Honorable LaShonda A. Hunt, in 2nd Floor, Joliet City Hall, 150 West Jefferson Street, Joliet, Illinois 60432, and present the attached motion at which time you may appear if you wish.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

**CERTIFICATE OF SERVICE**

I, Josephine J. Miceli, an attorney certify that I served the attached motion by mailing a copy to the Debtor at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 230 W. Monroe, Chicago, IL 60606 on or before 5:00 p.m. on January 27, 2020. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Josephine J. Miceli

Josephine J. Miceli, IL ARDC #6243494

Josephine J. Miceli  
Johnson, Blumberg, & Associates, LLC  
230 W. Monroe Street, Suite 1125  
Chicago, Illinois 60606  
Ph. 312-541-9710  
Fax 312-541-9711

**NOTICE:**

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CODEBTOR STAY**

NOW COMES Quicken Loans Inc. (hereinafter "Movant"), through its attorney, Josephine J. Miceli of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated October 24, 2016 on the property located at 317 Richards St, Joliet, Illinois 60433-1859, in the original amount of \$106,812.00. (A copy of the Note, Mortgage, and Assignment of Mortgage are attached as Exhibit A, B, and C respectively and incorporated herein by reference).
2. The mortgage was jointly executed by the Debtor and non-filing codebtor Venita Lyons.
3. The above-captioned Chapter 13 case was filed on October 10, 2019 and the Debtor's Plan has been confirmed on January 17, 2020.
4. The confirmed plan provides for the Debtor to be the disbursing agent for the post petition mortgage payments and the Chapter 13 Trustee to be disbursing agent for the pre-petition arrears.
5. As of January 16, 2020, the Debtor has failed to maintain post-petition payments thereby accruing a default of 3 payments from November 1, 2019 through January 1,

2020 for a post-petition arrearage total of \$2,011.94. A summary of the post-petition arrearage is as follows:

November 1, 2019 to January 1, 2020, 3 payments at \$991.66 each  
Less Suspense Balance of (\$963.04)

6. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
7. The Debtor's failure to maintain post-petition payments is cause for relief from the automatic stay pursuant to 11 U.S.C. § 362(d).
8. Movant would be irreparably harmed if it was prevented from pursuing its remedies against the co-obligor during such time as the Debtor is in default of his obligation to make post-petition payments. As such, relief from the codebtor stay is warranted under 11 U.S.C. § 1301(c)(3).
9. That should the Debtor wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
10. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

WHEREFORE, Quicken Loans Inc. prays for the entry of an order modifying, annulling or terminating the Automatic Stay and Codebtor Stay instantler to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Josephine J. Miceli

Josephine J. Miceli, ARDC #6243494  
Attorney for Quicken Loans Inc.

Josephine J. Miceli

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